

Panaji, 15th January, 1998 (Pausa 25, 1919)

SERIES I No. 42

OFFICIAL GAZETTE

GOVERNMENT OF GOA



GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

10-5-96/LA-Vol. II

The Merchant Shipping (Amendment) Ordinance, 1997 (Ordinance No. 19 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 26th September, 1997 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 21st October, 1997.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 26th September, 1997/Asvina 4, 1919 (Saka)

THE MERCHANT SHIPPING (AMENDMENT) ORDINANCE, 1997

No. 19 of 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Merchant Shipping Act, 1958.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.* —(1) This Ordinance may be called the Merchant Shipping (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

2. *Amendment of section 89.* — In section 89 of 44 of 1958, the Merchant Shipping Act, 1958, (hereinafter referred to as the principal Act), after clause (e), the following clause shall be inserted, namely:—

“(f) to transmit the complaint of any dispute of a foreign seaman of a vessel, registered in a country other than India, in Indian territorial waters, with the master, owner or agent, to the competent authority of the country of registration and a copy of such complaint shall be forwarded to the Director General, International Labour Organisation office.”.

3. *Amendment of section 132.* — In section 132 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(IA). Any complaint of dispute received, by the Shipping master from an Indian seaman, on a vessel registered in a country other than India in Indian territorial waters, with the master, owner or agent.”.

4. *Insertion of new section 138A.* — After section 138 of the principal Act, the following section shall be inserted, namely:—

“138A. *Working hours of Seamen.* — The ordinary hours of work for all seamen shall not exceed forty-eight hours in a week.”.

5. *Amendment of section 369.* — In section 369 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government shall on receipt of the investigation report from the court cause it to be published in the official Gazette.”.

6. Amendment of section 436. — In section 436 of the principal Act, in sub-section (2), in the Table, after serial Number, 42 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4
"42A	If the master or owner contravenes the provisions of section 138A.	138A	Fine which may extend to double the average wages per hour payable to the seaman for working beyond fortyeight hours."

K. R. NARAYANAN,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Notification

10-5-96/LA-Vol. II

The Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 1997 (Ordinance No. 22 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 29th October, 1997 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 24th November, 1997.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 29th October, 1997/Kartika 7, 1919 (Saka)

THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) AMENDMENT ORDINANCE, 1997

No. 22 of 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance to amend the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement. — (1) This Ordinance may be called the Prasar Bharati (broadcasting Corporation of India) Amendment Ordinance, 1997.

(2) It shall come into force at once.

2. Substitution of new section for section 2. — For section 2 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 (hereinafter referred to as the principal Act), the following section shall be substituted namely:—

2. Definitions. — In this Act, unless the context otherwise requires,—

(a) "Akashvani" means the offices, stations and other establishments, by whatever name called, which, immediately before the appointed day, formed part of or were under the Director-General, All India Radio of the Union Ministry of Information and Broadcasting;

(b) "appointed day" means the date appointed under section 3;

(c) "Board" means the Prasar Bharati Board;

(d) "broadcasting" means broadcasting by the Prasar Bharati;

(e) "Chairman" means the Chairman of the Corporation appointed under section 4;

(f) "Corporation" means the Prasar Bharati (Broadcasting Corporation of India) established under section 3;

(g) "Doordarshan" means the offices, kendras and other establishments, by whatever name called which, immediately before the appointed day, formed part of or were under the Directorate-General, Doordarshan of the Union Ministry of Information and Broadcasting;

(h) "elected Member" means a Member elected under section 3;

(i) "Executive Member" means the Executive Member appointed under section 4;

(j) "Kendra" means any telecasting centre with studios or transmitters or both and includes a relay station;

(k) "Member" means a Member of the Board;

(l) "Nominated Member" means the member nominated by the Union Ministry of Information and Broadcasting under section 3;

(m) "Non-lapsable Fund" means the Fund created from the commercial revenues of Akashvani and Doordarshan to meet expenditure on certain schemes;

(n) "notification" means a notification published in the Official Gazette;

(o) "Part-time Member" means a Part-time Member of the Board appointed under section 4, but does not include an *ex-officio* Member, the Nominated Member or an elected Member;

(p) "prescribed" means prescribed by rules made under this Act;

(q) "Recruitment Board" means a board established under sub-section (1) of section 10;

(r) "regulations" means regulations made by the Corporation under this Act;

(s) "station" means any broadcasting station with studios or transmitters or both and includes a relay station;

(t) "year" means the financial year.'

3. Amendment of section 3. — In section 3 of the principal Act,—

(a) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) The Board shall consist of—

(a) a Chairman;

(b) One Executive Member;

(c) six Part-time Members;

(d) Executive Director (Finance), *ex-officio*;

(e) Executive Director (Personnel), *ex-officio*;

(f) Director-General (Akashvani), *ex-officio*;

(g) Director-General (Doordarshan), *ex-officio*;

(h) One representative of the Union Ministry of Information and Broadcasting, to be nominated by that Ministry; and

(i) two representatives of the employees of the Corporation, of whom one shall be elected by the engineering staff from amongst themselves and one shall be elected by the other employees from amongst themselves."

(b) in sub-section (6), the proviso shall be omitted.

4. Amendment of section 4. — In section 4 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Chairman and the Part-time Members shall be persons of eminence in public life; the Executive Member shall be a person having special knowledge or practical experience in respect of such matters as administration, management, broadcasting, education, literature, culture, arts, music, dramatics or journalism."

5. Substitution of new section for section 6. — For section 6 of the principal Act, the following section shall be substituted, namely:—

"*6. Term of office, conditions of service, etc., of Chairman and other Members.* — (1) The Chairman shall be Part-time Member and shall hold office for a term of six years from the date on which he enters upon his office.

(2) The Executive Member, shall be a Whole-time Member and shall hold office for a term of six years from the date on which he enters upon his office.

(3) The term of office of Part-time Members shall be six years.

(4) The term of office of an elected Member shall be six years or till he ceases to be an employee of the Corporation, whichever is earlier.

(5) The Executive Member shall be an employee of the Corporation and as such shall be entitled to such salaries and allowances and shall be subject to such conditions of service in respect of leave, pension (if any), provident fund and other matters as may be prescribed.

(6) The Chairman shall be entitled to such allowances, honorarium and other facilities as may be prescribed.

(7) Part-time Members shall be entitled to such allowances as may be prescribed.

(8) The Chairman, the Executive Member and other Members except *ex-officio* Members shall not be eligible for re-appointment.

(9) No person having any commercial interest, direct or indirect, in any broadcasting, advertising or programme producing agency shall be eligible for appointment as a Chairman, Executive Member or Part-time Member."

6. Amendment of section 7. — In section 7 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Notwithstanding anything contained in sub-section (1), the President may, by order, remove the Chairman, Executive Member or any Part-time Member from his office if such Chairman, Executive Member or such Part-time Member—

(a) ceases to be a citizen of India; or

(b) is adjudged an insolvent; or

(c) is convicted of any offence involving moral turpitude; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of body or mind:

Provided that the President may, by order, remove the Chairman from his office if he engages during his term of office in any paid employment outside the duties of his office.”;

(b) in sub-section (4), for the words “any Whole-time Member, except any *ex-officio* Member, the Nominated Member or any elected Member,” the words “the Executive Member” shall be substituted.

7. *Amendment of section 9.* — In section 9 of the principal Act, in sub-section (1), after the words and brackets “the Director-General (Doordarshan)”, the words and brackets “the Executive Director (Finance), the Executive Director (Personnel)” shall be inserted.

8. *Amendment of section 10.* — In section 10 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Corporation shall, as soon as may be, after the appointed day and in such manner and subject to such conditions and restrictions as may be prescribed, establish for the purposes of section 9, one or more Recruitment Boards:

Provided that the Union Public Service Commission shall continue to discharge its functions relating to recruitment of officers and employees of the Corporation which was being discharged immediately before the appointed day till the recruitment Board is constituted for such categories of officers and employees of the Corporation.”

9. *Amendment of section 11.* — In section 11 of the principal Act,—

(a) for sub-section (2) the following sub-section shall be substituted, namely:—

“(2) the provisions of sub-section (1) shall not apply to any of the officers or employees not borne on the cadres of Akashvani and Doordarshan:

Provided that officers from the Indian Information Service, Central Secretariat Service, Central Secretariat Stenographers' Service, Central Secretariat Clerical Service borne on the cadre of the Ministry of Information and Broadcasting, equal in number of their cadre posts borne on the strength of Akashvani and Doordarshan immediately before the appointed day may be absorbed by the Corporation after following such procedure as may be prescribed:

Provided further that the members of Indian Information Service and other services working in Akashvani and Doordarshan immediately before the appointed day and not

borne on the cadres of Akashvani and Doordarshan shall be deemed to be on deputation on such terms and conditions and till such time as may be finalised by the Corporation in consultation with the respective cadre controlling authorities.

(b) in sub-section (5), the third proviso shall be omitted.

10. *Amendment of section 12.* — In section 12 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of this Act, it shall be the primary duty of the Corporation to organise and conduct public service broadcasting to inform, educate and entertain the public.”;

(ii) in sub-section (2), in clause (n), for the words “broadcast frequencies available”; the words “broadcasting frequencies made available for public service broadcasting” shall be substituted;

(iii) in sub-section (3), in clause (c), the words “and to establish procedures for the allocation of such programmes, rights or privileges to the services,” shall be omitted;

(iv) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) In order to achieve its objectives the Corporation may formulate its own programme and advertisement codes, fix such limits on broadcasting of advertisements as considered necessary to ensure that adequate time is made available for the promotion of the objectives of the Prasar Bharati.

Explanation. — For the removal of doubts it is hereby declared that the programme and advertisement codes or limits on broadcasting of advertisements shall be in addition to and not in derogation of any programme and advertisement codes or limits on broadcasting of advertisements specified by or under any other law for the time being in force.”.

(v) in sub-section (7),—

(a) the word “service” shall be omitted;

(b) the proviso shall be omitted.

11. *Omission of sections 13 to 15.* — Sections 13 to 15 of the principal Act shall be omitted.

12. *Amendment of section 16.* — In section 16 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

“(a) all property and assets which immediately before that day vested in the Central Government for the purpose of Akashvani or Doordarshan or both shall stand transferred to the Corporation on perpetual lease on payment of a nominal fee of rupees one per annum.

(aa) the Non-lapsable Fund which immediately before that day vested in the Central Government for the purpose of Akashvani or Doordarshan or both shall stand transferred to the Corporation.

13. *Substitution of new section for section 25.* — For section 25 of the principal Act, the following section shall be substituted, namely:—

"25. Report to Parliament in certain matters and recommendations as to action against the Board. — (1) Where the Board persistently makes default in complying with any directions issued under section 23 or fails to supply the information required under section 24, the Central Government shall give a reasonable opportunity to the Board to show cause as to why it should not be superseded and shall consider the objections, if any, of the Board.

(2) The Central Government after considering the objections if any of the Board, may propose to supersede the Board and if it so proposes, shall prepare a report and lay it before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions.

(3) If, before the expiry of the session immediately following the session or the successive session referred in sub-section (2), both Houses agree to supersede the Board the President may by notification supersede the Board for such period not exceeding six months, as may be specified in the notification.

(4) Upon the publication of the notification under sub-section (3),—

(a) all the Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act be exercised or discharged by or on behalf of the Board, shall until the Board is reconstituted under this Act, be exercised and discharged by such person or persons as the President may direct.

(5) On the expiration of the period of supersession specified in the notification issued under sub-section (3), the President may reconstitute the Board by fresh appointments, and in such a case any person who had vacated his office under clause (a) of sub-section (4) shall not be disqualified for appointment;

Provided that the President may, at any time before the expiration of the period of supersession, take action under this sub-section.

(6) The Central Government shall cause the notification issued under sub-section (3) and a full report of the action taken under this section to be laid before each House of Parliament.”

14. *Omission of section 26.* — Section 26 of the principal Act shall be omitted.

15. *Substitution of new sections for sections 27 and 28.* — For sections 27 and 28 of the principal Act, the following sections shall be substituted namely:—

"27. Chairman, Members, etc., to be public servants. — The Chairman and every other Member, every officer or other employee of the

Corporation and every member of a committee thereof, and every member of a Recruitment Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

28. Protection of action taken in good faith. — No suit or other legal proceeding shall lie against the corporation, the Chairperson or any member or officer or other employee thereof or a member of a Recruitment Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.”.

16. *Substitution of new section for section 31.* — For section 31 of the principal Act, the following section shall be substituted, namely:—

"31. Annual report. — The Corporation shall prepare once in every year, in such form and within such time as may be prescribed, an annual report giving a full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.”

17. *Amendment of section 32.* — In section 32 of the principal Act, in sub-section (2),—

(i) in clause (a) for the words, brackets and figures “Whole-time Members under sub-section (7) of section 6”, the words, brackets and figures “Executive Member under sub-section (5) of section 6” shall be substituted;

(ii) for cause (b), the following clauses shall be substituted, namely:—

(b) the allowances payable to and facilities admissible to the chairman under sub-section (6) of section 6;

(ba) the allowances payable to the Part-time Members under sub-section (7) of section 6;”;

(iii) for cause (f), the following clause shall be substituted, namely:—

(f) the procedure for absorption of officers under sub-section (2) of section 11;”;

(iv) clauses (g) and (h) shall be omitted;

(v) clauses (i), (j), (k) and (l) shall be re-lettered as clauses (g), (h), (i) and (j);

(vi) for the clause (i) so re-lettered, the following clause shall be substituted, namely:—

(i) the form in which, and the time within which, the Corporation shall prepare their annual report under section 31.”.

18. Amendment of section 33. — In section 33 of the principal Act, in sub-section (2), clause (h) shall be omitted and clause (i) shall be re-lettered as clause (h).

K. R. NARAYANAN,
President.

T. K. VISWANATHAN,
Joint Secretary to the Govt. of India.

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Department of Panchayati Raj and Community Development

Directorate of Panchayats

Notification

1/15(23)/94-CDP

In exercise of the powers conferred by sub-section (2) of Section 237 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Governor of Goa hereby makes the following rules namely:—

PART - I

Preliminary

1. Short title and commencement. — These rules may be called the Goa Panchayat Raj (Conditions of Service of State Election Commissioner) Rules, 1997.

(2) They shall come into force with immediate effect.

2. Definitions. — In these rules, unless there is anything repugnant in the subject or context.—

(a) "Act" means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) "Commission" means the State Election Commission constituted under Section 237 of the Act;

(c) "Commissioner" means the State Election Commissioner appointed under Section 237 of the Act;

(d) "Government" means the Government of Goa;

3. Qualifications for appointment as Commissioner. — A person shall not be qualified for appointment as Commissioner unless:—

(a) He is a citizen of India

(b) He has completed fifty years of age; and

(c) He has held any Group 'A' post under the Government or Government of India or any other State Government for not less than five years.

PART - II

4. Term of Office. — The Commissioner shall hold office for a period of five years from the date on which he assumes his office or until he attains the age of sixty two years, whichever is earlier.

5. Pay and Allowances. — The Commissioner shall be entitled to a consolidated pay of Rs. 10,000/- (Rupees ten thousand only) per mensem:

Provided that a person who was holding a post under the Government of India or any State Government at the time of his appointment as Commissioner shall, receive pay including personal pay which he would have drawn from time to time under the relevant rules in the scale of pay of the post which he was holding at the time of such appointment or shall receive the pay mentioned in this rule, whichever is higher:

Provided further that in the case of appointment as Commissioner of a person who has retired from service under the Government, University or any other body wholly or substantially owned or controlled by the Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, Contributory Provident Fund (CPF) or otherwise, the pay specified in this rule shall be reduced by the gross amount of pension including any portion of the pension which may have been commuted and the pension equivalent or other forms of retirement benefits; if any:

Provided further that in case of appointment as Commissioner of a person who holds any other statutory post in addition to being Commissioner, he will have the option to draw pay and other allowances either as Commissioner or as the other statutory authority.

6. Accommodation. — The Commissioner may, if he does not own a house at the headquarters of the Commission and if he so desires, be provided with an unfurnished residence subject to the payment of rent and other conditions in accordance with the rules applicable to Government buildings used as residence.

PART - III

7. Leave. — (1) A person who at the time of his appointment as Commissioner, was in the service of the Central or any State Government, may be granted leave by the Governor under the Rules which were applicable to him immediately before his appointment and his service as Commissioner shall count for such leave and the leave at the credit of any such person in his leave account shall not lapse on the date of his appointment as Commissioner but shall be carried forward and may be availed of during his tenure as Commissioner. Out of the leave so carried forward, the Commissioner may be paid cash equivalent of leave salary in respect of the earned leave at his credit, to the extent permissible under the Rules applicable to him had he retired on superannuation on the date of his appointment as Commissioner.

(2) Any person who at the time of his appointment as Commissioner, was not in the service of the Central or any State Government may be granted leave as admissible to the Officers Grade I of the Government:

Provided that commuted leave on full pay not exceeding half the amount of half pay leave due, may be granted if the leave is taken on Medical Certificate and the authority Competent to sanction leave has reasons to believe that the Commissioner will return to duty on its expiry.

PART - IV

8. Travelling and Daily Allowance. — (1) The Commissioner shall be entitled to travelling and daily or other allowances admissible to Officers Grade I of the Government, while touring on duty connected with his office:

SCHEDULE

Name/ /Design- ation of post	Number of posts	Classifi- cation	Scale of pay	Whe- ther selection post or non- selec- tion post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifi- cations required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promoted. any	Period of probation, if any	Method of recruit- ment, whether by direct recruitment or by promotion or by deputation/ /transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ deputa- tion/transfer, grades from which promotion/ /deputation/transfer is to be made	If a D. P. C. exists, what is its compo- sition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Lecturer in (1997) Computer Subject Appli- cation.	1	Goa General Service	Rs. 2200- -75- -2800- variation 'A' depend- ent on work- load.	Selec- tion.	Not exceeding 35 years (Re- laxable for Government servants up to 5 years in ac- cordance with the instruc- tions or orders issued by the Government).	No	Essential: (i) First Class Bachelor Degree in appropriate branch of Engi- neering/Technology. (ii) Knowledge of Konkani. Note: In case of non-availability of suitable candidate with the knowledge of Konkani this requirement can be relaxed.	N. A.	2 years.	By direct re- cruitment.	N. A.	N. A.	As required under the Goa Public Service Commission (Exemption from Consulta- tion) Regula- tions, 1988. Consultation with the Goa Public Service is necessary for making direct recruitment, promotion and selection of an officer for ap- pointment on deputation and amending/relax- ing any of the provisions of these rules.